

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE: **DAMARYS FIGUEROA RIVERA**
SSN xxx-xx-7042

CASE NO: **22-01797-MCF**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$4,000.00** Paid Pre-Petition: **\$392.00** Outstanding (Through the Plan): **\$3,608.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: Under Median Income 36 months Above Median Income 60 months §1325(b)(1)(B)
 The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Dec 23, 2022 (Dkt 47)** **Plan Base: \$39,196.00**

The Trustee: **DOES NOT OBJECT** **OBJECTS Plan Confirmation** Gen. Uns. Approx. Dist.: 14 %

The Trustee objects to confirmation for the following reasons:

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.
- The Plan provides for the payment of post-petition arrears in the amount of \$1,923.81 for Select Portfolio, however, creditor has not amended the claim to includes the arrears, therefore, it cannot be considered that creditor accepted the treatment provided in the plan.
- Section 361 & 363 of the Bankruptcy Code: The plan fails to provide for the payment of insurance for a collateral related to a secured debt being paid in full through the plan.
- The plan fails to provide for the payment of car insurance for the vehicle encumbered by Oriental Bank.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: January 18, 2023

/s/ Mayra Arguelles, Esq.